

Examiner Ebenezer O. Sackey
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REMARKS

Claims 1-9 and 11-13 are pending herein following the above amendment, Claim 10 having been previously cancelled. Applicants have hereby cancelled claim 11 and added new claim 14. Support for new claim 14 is provided in claim 11 as originally filed and contains no new matter.

Rejection Under 35 U.S.C. 112, second paragraph

In the Office Action, the Examiner withdrew his previous rejection of claims 1, 3-9 and 12. However, the Examiner rendered a new rejection of claims 3 and 11 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that in term "comprising" in claim 3 is inappropriate in compound claims and the term "prepared comprising" in claim 11 is idiomatic and indefinite. Additionally, the Examiner stated that claim 11 uses improper Markush language and should include the phrase "a method for treating one or several diseases selected from the group consisting of."

In response, Applicants have amended claim 3 to replace the term "comprising" with "is" and have cancelled claim 11 and replaced it with new claim 14 wherein the phrase "prepared comprising the compound" has been deleted. In addition, the Markush group has been removed from new claim 14 such that the claim is now directed only to a "method of treating cancer" and the rest of the diseases previously listed have been deleted.

Rejection Under 35 U.S.C. 112, first paragraph

In the Office Action, the Examiner rejected claim 11 as containing subject matter which was not described in the specification to enable one skilled in the art to make and/or use the invention. Specifically, the Examiner stated that while the claim is enabling for the rest of the diseases listed, "autoimmune diseases" and "chronic inflammatory conditions" were being rejected as not enabled.

In response, while Applicants respectfully traverse the Examiner's enablement rejection of claim 11, to facilitate and to expedite the prosecution of the present application, Applicants

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have cancelled claim 11 and added new claim 14 wherein all of the listed diseases including "autoimmune diseases" and "chronic inflammatory conditions" have been deleted with the exception of "cancer." In addition, new claim 14 now depends on allowed claim 12. Applicants state that the enablement rejection has been overcome by the deletion of all of the diseases other than cancer and respectfully request that the rejection be withdrawn.

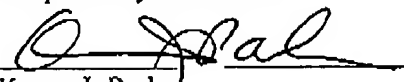
Allowability of Claims

Applicants gratefully acknowledge the Examiner's statement that claims 1, 2, 4-9, 12, and 13 are free of rejection and are allowable.

Given the above amendments and remarks, Applicants submit that all outstanding rejections have been overcome and that all of the pending claims are now in condition for examination, early notification of which is earnestly solicited. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, the Examiner is requested to telephone the Applicant's attorney at (908) 518-7700 in order that any outstanding issues are resolved.

If there are any fees due and owing in respect to this amendment, the Examiner is authorized to charge such fees to deposit account number 50-1047.

Respectfully submitted,

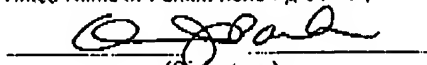

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